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09/606,692	06/30/2000	James Alan Craig	95-430	8050

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EXAMINER

PHAN, MAN U

ART UNIT	PAPER NUMBER
2665	8

DATE MAILED: 04/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/606,692

**Applicant(s)**

CRAIG ET AL.

**Examiner**

Man Phan

**Art Unit**

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 11-15, 18-25, 31-35 and 38-40 is/are rejected.
- 7) ☒ Claim(s) 6-9, 16, 17, 26-30, 36 and 37 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 June 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

***Response to Amendment and Argument***

1. This communication is in response to applicant's 02/12/2004 Amendment in the application of Craig et al. for a "Scalable voice over IP system providing independent call bridging for outbound calls initiated by user interface applications" filed 06/30/2000. This application is a Continuation in Part (CIP) of 09/479,235 filed 01/07/2000. The amendment, response has been entered and made of record. Claims 1-40 are pending in the present application.

In view of applicant's proposed corrections with respect to Figure 3A, the examiner has withdrawn the drawing objections.

2. Applicant's argument to the rejected claims are insufficient to distinguish the claimed invention from the cited prior arts or overcome the rejection of said claims under 35 U.S.C. 103 as discussed below. Applicant's argument with respect to the pending claims have been fully considered, but they are not persuasive for at least the following reasons.

3. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the

applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

4. On page 5, applicant asserts that there is no motivation to combine the references i.e., Cave et al., and Korpi et al., as proposed in the Office Action. In response, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Cave et al. (US#6,404,746) applied herein for the teaching of a Voice Response Unit (VRU) in the H.323 VoIP architecture and method of redirecting media using user input indication messages protocol. In the same field of endeavor, Korpi et al. (US#6,636,528) teaches the flow control structure for the operation of a switching device utilizing different signaling protocols.

5. Applicant's argument with respect to the rejected claims of record (page 4, last paragraph and page 5, second paragraph) that the cited references do not teach or suggest the "*resuming a user interface session with the user interface resource in response to detecting a second prescribed condition between the subscriber and the destination party*". However, Cave et al. (US#6,404,746) discloses in Fig. 7 a block circuit diagram illustrated a message protocol for redirecting media using user input indication messages, in which the VoIP driver 944 sends

DROP-RTP A-to-B Message 972 (suspend task) to gateway 966 to command gateway 966 to drop the media stream. VoIP driver 964 then sends NEW-RTP A-to-VRU Message 976 to gateway 966 to reestablish (resume task) the media stream from gateway 966 to the VRU. As previously discussed, only the media streams are reestablished between the VRU and the gateways, and the H.245-G.931 call control structures between the VRU and each gateway continue to remain as they were originally set up (Col. 20, lines 30-47 and Col. 23, lines 17 plus). In the Examiner's opinion, the use of *suspend/resume signals* as in the claims are generated indicating the state of the resource in flow control structure between the user interface resource and the gateway. Particularly, the *suspend/resume signals* are generated indicating which resource is available to which task. In general, when a task is attempts to access an unavailable resource, the task is suspended. When the resource becomes available, the suspended task is resumed, and the instruction accessing the resource is re-established. Therefore, the Examiner maintains that the references cited and applied in the last office actions are maintained for this office action.

***Claim Rejections - 35 USC ' 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made

to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 13-15, 33-35 and 1-5, 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cave et al. (US#6,404,746) in view of Korpi et al. (US#6,636,528).

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

With respect to claims 13-15 and 33-35, Cave discloses in Figs.4a-4d the block diagrams illustrated a packet Voice Response Unit (VRU) in the H.323 Voice over IP (VoIP) architecture, according to the essential features of the claims. The packet VRU system comprising an IP telephony gateway (810) configured for establishing RTP data stream connection according to H.323 protocol (Col. 14, lines 19 plus). It's noted that the H.323 protocol is a multimedia communications protocol developed by the International Telecommunications Union Telecommunications Standardization Sector (ITU-T). The H.323 protocol describes endpoints and how they interact in a packet based network. Cave further teaches for redirecting media within a packet network, in which media sent to VRU 800 is redirected to travel directly between

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the originating gateway 810 (IP gateway) and terminating gateway 812 (IP gateway), thus bypassing VRU 800. Once the called party is validated, application server 803 instructs CCS 802 to redirect the media streams. CCS 802 requests that originating gateway 810 and terminating gateway 812 send their respective RTP streams directly to each other, instead of to VMS 804. CCS 802 accomplishes this by tearing down RTP session 824 between originating gateway 810 and VMS 804, and by tearing down RTP session 830 between terminating gateway 812 and VMS 804. Only RTP sessions 824 and 830 are torn down; H.323 call 820 between originating gateway 810 and VMS 804, and H.323 call 828 between terminating gateway 812 and VMS 804, are left connected (Col. 15, lines 20 plus).

Cave different from the claims in that the claims require the step of connecting the first and second RTP data streams in response to a call command from the subscriber and resuming the user interface session with the subscriber in response to a detected disconnect condition between the subscriber and the destination party. In the same field of endeavor, Korpi et al. (US#6,636,528) discloses a method of switching data in a telecommunication network with a switching device. The switching device is controlled by a first control unit. A first protocol signals control commands between a first control unit and a first terminal unit. The first control unit is connected to a second terminal unit via an interface unit. A second protocol different from the first protocol for signaling control commands between the interface unit and the second terminal unit is employed. Control commands are received at the interface unit from the control unit according to the first protocol are embedded into control commands according to the second protocol. The embedded control commands are sent to the second terminal unit. Control

commands according to the first protocol from control commands received at the interface unit from the second terminal unit according to the second protocol are sent to the control unit (Fig. 4; Col. 2, lines 12 plus).

Regarding claims 1-5, they are method claims corresponding to the apparatus claims 13-15 and 33-35 above. Therefore, claims 1-5 are analyzed and rejected as previously discussed with respect to claims 13-15 and 33-35.

With respect to claims 21-25, these claims differ from claims Cave in view of Korpi in that the claims recited a computer program product for performing the same basis of steps and apparatus of the prior arts as discussed in the rejection of claims 13-15 and 33-35 above. It would have been obvious to a person of ordinary skill in the art to implement a computer program product in Cave in view of Korpi for performing the steps and apparatus as recited in the claims with the motivation being to provide the efficient enhancement to the user interface application in a VoIP based communication services, and easy to maintenance, upgrade.

One skilled in the art would have recognized the need for effectively and efficiently providing user interface services in IP-based communications system, and would have applied Korpi's novel use of a switching device with terminal equipment that works according to different signaling protocols into Cave's teaching of the redirecting media using a packet voice response unit (VRU) in IP based communications. Therefore, It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to apply Korpi's method for operating a switching device upon utilization of different signaling protocols and apparatus therefor into Cave's system and method for packet network media redirection with the



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motivation being to provide user interface services to a subscriber in IP-based communications system.

8. Claims 18-20, 38-40 and 11-12, 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cave et al. (US#6,404,746) in view of Korpi et al. (US#6,636,528) as applied to the claims above, and further in view of Gallant et al. (US#6,636,596).

With respect to claims 18-20 and 38-40, Cave et al. and Korpi et al. disclose the claimed limitations discussed in paragraph 4 above. These claims differ from the claims above in that the claims require the use of empty capability set message in response to the detecting disconnect condition and acknowledgment for reconnection. In the same field of endeavor, Gallant discloses a method and system for providing intelligent network control services in IP telephony, wherein the system includes a location manager and an IP telephony proxy server. The location manager includes an interface to a legacy telephony service control entity and the IP telephony proxy server includes an IP interface to the location manager. If the IP telephony proxy server requires intelligent network services, then the IP telephony proxy server sends an IP telephony session initiation request to the called party at the location manager. The location manager uses the information to query the legacy telephony service control entity for routing information. When the location manager receives a routing response from the service control entity, the location manager maps the response to an IP telephony session control message back to the IP telephony proxy server (See Fig. 3 and Col. 1; lines 55 plus).

Regarding claims 11-12, they are method claims corresponding to the apparatus claims 18-20 and 38-40 above. Therefore, claims 11-12 are analyzed and rejected as previously discussed with respect to claims 18-20 and 38-40.

With respect to claims 31-32, these claims differ from claims Cave and Korpi in view of Gallant in that the claims recited a computer program product for performing the same basis of steps and apparatus of the prior arts as discussed in the rejection of claims 18-20 and 38-40 above. It would have been obvious to a person of ordinary skill in the art to implement a computer program product in Cave and Korpi in view of Gallant for performing the steps and apparatus as recited in the claims with the motivation being to provide the efficient enhancement to the user interface application in a VoIP based communication services, and easy to maintenance, upgrade.

One skilled in the art would have recognized the need for effectively and efficiently providing user interface services in IP-based communications system, and would have applied Gallant's intelligent network control services in IP telephony and Korpi's novel use of a switching device with terminal equipment that works according to different signaling protocols into Cave's teaching of the redirecting media using a packet voice response unit (VRU) in IP based communications. Therefore, It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to apply Gallant's method of and system for providing intelligent network control services in IP telephony, Korpi's method for operating a switching device upon utilization of different signaling protocols and apparatus therefor into

Cave's system and method for packet network media redirection with the motivation being to provide user interface services to a subscriber in IP-based communications system.

*Allowable Subject Matter*

9. Claims 16-17, 36-37 and 6-10, 26-30 are objected to as being dependent upon the rejected base claims, but would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims.

10. The following is an examiner's statement of reasons for the indication of allowable subject matter: The closest prior art of record fails to disclose or suggest the steps wherein the user interface resource outputs Non-Empty capability Set messages for the first and second RTP data streams to the IP telephony gateway across the H.245 channel, the IP telephony gateway in response initiating bridging of the first and second RTP data streams; wherein the IP telephony gateway initiates the bridging by sending an Open Logical Channel request to the user interface resource, the user interface resource in response sending an acknowledgment and media stream addresses for the first and second RTP data streams, the IP telephony gateway bridging the first and second RTP data streams based on the media stream addresses, as specifically recited in claims 16-17, 36-37; wherein the step of connecting the first and second RTP data streams includes closing the first and second RTP data streams to the user interface resource by sending to an IP telephony gateway, configured for establishing the first and second RTP data streams

with the subscriber and the destination party, respectively, Empty Capability Set messages across an H.245 protocol channel for the first and second RTP data streams, respectively, wherein the IP telephony gateway in response closes the first and second RTP data streams to the user interface resource, as specifically recited in claims 6 and 26.

11. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kalmanek, Jr. et al. (US# 6,694,429) discloses a method for establishing call state information without maintaining state information at gate controllers.

Bertram et al. (US# 5,818,446) discloses a system for changing user interface based on display data content.

Goyal et al. (US# 6,215,864) discloses a method of accessing an IP and ISDN network with partial release.

13. **THIS ACTION THIS ACTION IS MADE FINAL.** See MPEP ' 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Phan whose telephone number is (703)305-1029. The examiner can normally be reached on Mon - Fri from 6:30 to 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on (703) 308-6602. The fax phone number for the organization where this application or proceeding is assigned is (703)305-3988.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Mphan

04/15/2004.

*Man u phan*  
**MAN PHAN**  
**PATENT EXAMINER**